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# Decisions of Speakers

## of the Legislative Assembly West Bengal

1950

*Decisions of Mr. Speaker Iswardas Jalan*

Secretariat of the Legislative Assembly  
West Bengal

1950

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vol. V

**To**  
**The Speaker**  
**In whose hands the high tradition**  
**of the Chair rests**



## PREFACE

In this volume are published the decisions of Mr. Speaker Iswardas Jalan given during the year 1950. It is proposed to bring out the decisions of Speaker in annual volume beginning with this one. This volume has been compiled as before by Sj. Charu C. Chaudhuri, Special Officer, of the West Bengal Legislative Assembly.

A. R. MUKHERJEA,  
*Secretary, West Bengal Legislative Assembly.*

*The 1st May, 1952.*

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## **PART I**

*Decisions of Mr. Speaker Iswardas Jalan.*



# Decisions of Mr. Speaker Iswardas Jalan

## BILL.

### 1. AMENDMENT.

#### *Amendments in general terms.*

An amendment that "Provincial Government" should be substituted by "State Government" wherever they occurred in a certain clause had been allowed to be moved.

Progs : 27th March, 1950, Vol. I, No. 2, p. 352.

#### *Amendment, having effect of negative vote.*

An amendment which has the effect of negative vote is out of order. ✓

Progs: 9th February, 1950, Vol. I, No. 1, p. 106.

#### *Amendment to delete clause.*

An amendment to delete part of a clause is in order. An amendment for deleting an entire clause is out of order. ✓

Progs: 25th February, 1950, Vol. I, No. 1, p. 344.

### ***Amendment—Relevancy.***

Whether an amendment is within the scope of a Bill has to be ascertained from three things, the Preamble to the Bill, the Statement of Objects and Reasons and the provisions of the Bill.

Progs: 6th November, 1950, Vol. II, pp. 318-19.

[For full text of ruling, see Appendix, p. 25.]

## **2. GENERAL.**

### ***Appropriation Bill.***

The Appropriation Bill provides for the maximum amount under each head of expenditure and any amount less than the maximum specified can be spent.

Progs: 23rd March, 1950, Vol. I, No. 2, p. 327.

### ***Appropriation Bill.***

In order to avoid legal complications the Appropriation Bill should specify the date of its commencement.

Progs: 23rd March, 1950, Vol. I, No. 2, p. 327.

## **3. PROCEDURE**

### ***Bill received back from Governor with message to make amendments—Consideration.***

When a Bill is received back from Governor with a message to make certain amendments,

the amendments must be accepted either as a whole or entirely rejected. The matter must be put as a whole and not piecemeal.

Progs: 24th March, 1950, Vol. I, No. 2, p. 342.

*Bill received back with message from the President—Consideration.*

When a Bill is returned with a message from the President for reconsideration, the discussion on the Security Bill as a whole cannot be reopened; only the amendments proposed are open for discussion.

Progs: 25th March, 1950, Vol. I, No. 2, p. 338.

*Sufficient notice of Bills not given.*

It is desirable that timely notice of all Bills should be given so that the members may have time to consider the provisions of the Bill and table amendments if they think necessary.

Progs: 27th September, 1950, Vol. II, pp. 67-68.

[For full text of ruling, see page 13.]

#### 4. SELECT COMMITTEE.

*Select Committee, Minister-in-charge of Bill to be included in.*

A motion for reference of a Bill to a Select Committee must include the name of the Minister-in-charge of the Bill.

Progs: 25th February, 1950, Vol. I, No. 1, p. 339.



## DEBATE.

### *Governor's speech, debate on.*

The speech of the Governor is subject to the criticism of the House, that is, the policy of Government which is initiated through the mouth of the Governor is open to criticism. The Governor as such has got nothing to do in the matter.

Progs: 6th February, 1950, Vol. I, No. 1, p. 26.

### *Governor's Speech, Debate on, Procedure.*

After the motion of thanks to the Governor has been moved, members proposing amendments thereto should all move their motions first. When the members have moved such motions they will one by one speak on their motions. Then other members will take part in the debate and thereafter the Government will reply and the debate would be wound up.

Progs: 6th February, 1950, Vol. I, No. 1, p. 8.

### *Leader of Opposition, duty of, whether can be exercised by any other person.*

In the absence of the Leader of the Opposition who enjoys certain privileges in debate, no other member can be given those privileges.

Progs: 6th February, 1950, Vol. I, p. 8.

*Governor's speech, debate on.*

When referring to the Governor in the course of a debate on the Governor's speech nobody should speak anything derogatory about him. The Governor is the mouth-piece of the Ministry. The members can criticise the policy of the Government but whatever the Governor has stated he has stated on behalf of the Government.

Progs: 26th September, 1950, Vol. II, p. 17.

*Governor's speech, debate on.*

The practice is that as soon as the Governor has delivered his speech and left the Chamber a motion of thanks is moved. Thereafter time is given to members to send in amendments. No discussion can follow immediately on the delivery of the speech.

Progs: 25th September, 1950, Vol. II, p. 7.

*Officers, mentioning names of.*

Names of officials should not be mentioned in the course of the debate but they should be referred to by their official designation. Of course there is no hard and fast rule on this point but the practice is always followed.

Progs: 3rd October, 1950, Vol. II, p. 156

*Officers, mentioning names of.*

Names of officers who are not present before the House should not be mentioned in the course of a debate.

Progs: 18th March, 1950, Vol. I, No. 2, p. 247.

*Personal charges.*

However strong may be the criticism with regard to policy or action, personal invective should be avoided as far as possible.

Progs: 4th October, 1950, Vol. II, p. 191.

*Reference to people outside House.*

A member cannot refer to people outside the House. If anybody wants the Speaker to take any action in regard to any person outside, then and then only he should refer to such persons in the House.

Progs: 8th March, 1950, Vol. I, No. 2, p. 66.

*Speech, right of, after voice collected.*

After the voice on a particular motion has been collected but the final verdict has not been given by the Speaker by announcing for the second time that the "Ayes have it" or "Noes have it", the Speaker has an inherent right to allow a member to speak on the motion.

Progs: 6th October, 1950, Vol. II, pp. 298-299.

[For full text of ruling, see page 20.]

## MOTION.

### *Motion—Withdrawal of.*

A motion cannot be withdrawn if there is a single dissentient voice and when objection is raised to the motion the proposal for withdrawal cannot be put to vote.

Progs: 7th March, 1950, Vol. I, No. 2, p. 59.

## PARLIAMENTARY ETIQUETTE.

### *Members to rise when speaking.*

Members should rise in their places when speaking.

[For full ruling, see Appendix p. 17.]

## PRACTICE.

### *Budget statement of the Finance Minister read out by another Minister.*

The Budget Statement of the Finance Minister was allowed to be read out by another Minister.

Progs: 16th February, 1950, Vol. I, No. 1, p. 183.

### *Reading of Schedule.*

A Schedule to a Bill which was of extensive length was taken by leave of the House as read.

Progs: 4th October, 1950, Vol. II, p. 216.

*Statement by member.*

When any member wants to make a statement such statement should be made with the consent of the Government.

Progs: 5th October, 1950, Vol. II, pp. 253, 256.  
[For full text of ruling, see p. 18.]

## PRIVILEGE.

*Arrest of member—Right of Speaker to direct attendance of such member.*

The Speaker has no right to direct the attendance of any member detained under the Preventive Detention Acts.

Mr. Speaker Jalan made the following observations :—

“As there is a good deal of confusion over such matters, I wish to clarify the position which ought to be understood. So far as the Speaker is concerned, he has got no right to order the attendance of any person who has been detained under the preventive sections by the Government. As a matter of fact under the Constitution we enjoy the powers and privileges of the House of Commons. I have considered the position in the House of Parliament and I find that this matter was considered in Ramsay’s case H.C., 164, 1939-40 and it was decided that no privilege could

be claimed against such detention. Therefore, I wish to make the position clear that so far as the Speaker of the House is concerned, no member can claim such a privilege so far as the present Constitution is concerned until a Privileges Bill is passed either by the Central Legislature or by the Provincial Legislature giving such right. That is a matter for the future.

So far as the production of the honourable member in this House is concerned, that is a matter which rests entirely with the Government. It has to be considered whether that would be justified or not. I have stated this simply to clarify a confusion in the minds of members."

Progs: 28th September, 1950, Vol. II, p. 97.

*Arrest of member, communication of the fact of the arrest.*

The communication of the fact of the arrest of a certain member under the Preventive Detention Act was communicated to the Speaker by the Government and the Speaker announced it in the House.

Progs: 25th September, 1950, Vol. II, p. 1.

*Right of members to be obstructive.*

A member has no right to be obstructive in the course of a debate.

Progs: 28th September, 1950, Vol. II, p. 96.

QUESTION.

*Question undisposed of during the session.*

Questions which are not disposed of during the session is carried over to the next session. Under the rules, fresh notices of such questions cannot be directed to be given.

Progs: 29th September, 1950, Vol. II, p. 117.

*Question about particular incident, supplementary of general nature.*

When a question is asked about a particular question or matter, supplementaries should be confined to that particular question or matter. No question of a general nature can be asked.

Progs: 29th September, 1950, Vol. II, p. 102.

*Speaker, power of, to compel reply.*

The Speaker has no power to compel a Minister to reply.

Progs: 6th October, 1950, Vol. II, p. 252.

## RESOLUTION.

### *Non-official resolution—Lapse of.*

When notice of a resolution is given and the Government does not give its consent to the resolution being moved at short notice the resolution does not lapse; if there happens to be any non-official day afterwards and by that time either the Minister gives his consent or the necessary period of notice expires then the motion can be discussed; otherwise it cannot be discussed.

Progs: 17th March, 1950, Vol. I, No. 2, p. 230.

## UNPARLIAMENTARY LANGUAGE.

### *Reflection upon member.*

No remark against any member which smacks of a personal allegation can be allowed. To say that “a member is not as good as his father” is a personal remark and will not be allowed.

Progs: 7th February, 1950, Vol. I, No. 1, p. 56.

### “সয়তানী”

When a member observed “এর পেছনে নিশ্চয় কোনও সয়তানী রয়েছে” it was ruled that the expression was not unparliamentary.

Progs: 3rd October, 1950, Vol. II, p. 174.



***"Machination."***

When a member used the expression "machination of the Leader of the House", it was ruled that the expression was unparliamentary.

Progs: 25th February, 1950, Vol. I, No. 1, p. 336.

***"Nonsense."***

The word "nonsense" is not unparliamentary.

Progs: 3rd October, 1950, Vol. II, p. 178.

***"Shame."***

The word "shame" is unparliamentary.

Progs: 8th March, 1950, Vol. I, No. 2, p. 72.

***"Silly."***

When a member said that "the plea that has been taken up is absolutely silly" it was ruled that the word "silly" was unparliamentary.

Progs: 16th February, 1950, Vol. I, No. 1, p. 179.

**APPENDIX.****1. Ruling on the sufficiency of notice.**

**MR. SPEAKER:** \* \* \* \* No doubt the rules provide that 21 days' notice should be given of any Bill which the Government wants for consideration and the copies of the Bill should be in the hands of the members at least 15 days before the date on which consideration should take place. I regret that this rule is not being observed in spite of reminders by circulars as well as my mentioning this matter in the House. As a matter of fact I find that on the 13th September this office sent a circular to all the Secretaries of the Government drawing their attention to this rule, and even prior to that in 1949 and also in January, 1950, circulars were issued drawing the attention of the Secretariat that these rules should be observed. But, unfortunately, I find that these rules are not being given the importance which, I believe, the Secretariat should give. Members of this House are entitled to a reasonable time for consideration of the Bills which are presented before the House, and as a matter of fact, in the interest of the proper consideration of the Bills it is necessary that those members who wish to apply their mind to the various provisions of the Bills should be given

a reasonable opportunity to consider the various clauses. This will, in my opinion, obviate a good deal of criticism which is at present being levelled against enactments passed by this House. I don't say that that will be entirely eliminated, but certainly it should be the endeavour of this House and the members thereof that a Bill which gets out of the House is not *ultra vires*, that is, beyond the power of legislature. For this reason I do believe and I wish to draw the attention of the Government once more and very seriously that it is their duty to see that the rules are observed and the Speaker has not to suspend the rules every time in order to accommodate the Government. As a matter of fact in this Session I find that there was only one Bill of which due notice was given in time according to the rules and as regards all the other Bills notices were not given in time. I will, therefore, draw the attention of the Chief Minister to this state of affairs, and I do believe that it is not the intention of the Government to belittle this Legislature that in spite of repeated circulars they do not give notice of these Bills in time and we have to face the members' criticisms in this House.

So far as these two Bills are concerned—Sales Tax Bill and the Rent Bill—I find that

on the 20th September the Sales Tax Bill was published in the Gazette. On that very day we received notice, and on the second day we received the Bill and on the 22nd we circulated the Bill to the members asking for amendments. The time for amendments was allowed up to 29th September, 3 p.m. and the Bill will be coming up for consideration on the 30th. Therefore, as a matter of fact, members have got seven days' time to consider the amendments of the Sales Tax Bill though it does not conform to the rules which are now in force. But considering the position and the situation, I feel that this time should be taken as sufficient for the time being; at the same time I will ask the Government to consider as to whether further time can be given for amendments and whether this Bill can be postponed for some later date for consideration.

With regard to the Rent Control Bill I regret to say that the position is certainly worse. We received notice of consideration on the 26th. The Bill was received on the 27th by our office and on that very day notice was given to the members for amendments giving them time up to 3 p.m. on the 28th September, and the Bill is coming up for consideration on the 29th. Today is 27th and

the time for amendments expires tomorrow by 3 p.m. I, therefore, extend the time for sending amendments for the time being with regard to this Bill till 1 p.m. on the 29th. And I shall also contact the Chief Whip of the Government to consider as to whether any revision of the programme can give more time to the honourable members for consideration of these two Bills.

With regard to the Sales Tax Bill a request has come to this effect that an up to date amended copy of the Bill should be supplied to the members along with the Bill. I regret to observe that I cannot agree to this proposition, because in that case whenever there is an amendment of a Bill, a copy of the Bill amended up to date will have to be supplied. That will be a very difficult proposition and I do not think that members are entitled to insist upon the same. Of course, it is for the Government if they so desire to supply copies of such Bills if there be any amendment Bill. What is in my power to do is this: I consider that the copy which is in the Library contains all amendments of the Sales Tax Bill up to date and that will be available to the honourable members, say by 3 p.m. tomorrow, and any honourable members who wish to avail themselves of that copy will be

able to avail of it. There will be three or four copies available. So far as the Assembly Department is concerned, and so far as I am concerned, that is all that I can do for the time being. I do hope that Government will give due consideration to these grievances of members which are justified and certainly they are entitled to more time for consideration of these Bills.

Progs: 27th September, 1950, Vol. II, pp. 67-68.

## **2. Ruling on Parliamentary etiquette.**

**MR. SPEAKER:** If it is pursued to this length I think I should give my ruling on the point. The position is this that ordinarily the rule provides that whenever a member speaks he should rise and then speak from his seat, but from time to time for certain reasons the House has permitted members to speak sitting, or either it has been ignored or connived at or not noticed, or no objection has been taken. You have allowed the Finance Minister to deliver his speech sitting. So far as the Hon'ble Chief Minister is concerned, very often he rises in order to give replies. It may be that on some occasions he may have given answer sitting. So far as this latitude is concerned, technically speaking you might say that he must reply rising. Taking into

consideration the number of supplementary questions put, I do not think it is necessary always to rise when replying and I do hope that the House will not take this matter in a very serious constitutional way but should try to accommodate each other. It has been the practice, of course, that a member should not reply sitting. But if, however, any member has to be given that concession, I shall always be prepared to give that concession in a reasonable way. With regard to this matter I do desire that the House agree with me in that view and not raise any objections which are not very friendly to each other.

Progs: 5th October, 1950, Vol. II, p. 250.

### **3. Ruling on right of member to make statement.**

**MR. SPEAKER:** As it relates to a matter of procedure, I think I am justified in stating the position now anew. The position is, that, generally a statement is allowed to be made either by the Leader of the House or by the Leader of the Opposition. Unfortunately, members of the House know that there is no organised Opposition and there is

no one in this House who might be called the Leader of the Opposition. Under the circumstances if a member wishes to make a statement on some matter of importance, the matter is generally referred to the Chief Whip who represents the Government in this House in all matters of Parliamentary procedure and I was not to be blamed in the slightest degree when I told Janab Syed Badrudduja that I could not allow him to make a statement unless and until he puts himself in touch with the Chief Whip who represents the Government. My view was that if the Government has no objection to the statement being raised by a member I will not stand in the way, because the Government will then be in a position to give a reply to his statement. Had there been any difference of opinion between the member trying to make a statement and the Government objecting to the same, the Speaker would have to decide whether he would allow the statement to be made or not. Objection should have been raised yesterday immediately Janab Syed Badrudduja rose to make the statement and not when he finished the whole of his speech. As he proceeded on with his statement and I found that there was no objection to the statement being made, I took it that Government



had no objection to the statement being made and naturally there was nothing for me to interfere in the matter. Now, that is the exact position as it stands today and so far as the procedure is concerned. If the Chief Whip has not referred the matter to the Hon'ble the Chief Minister, that is a matter of their internal arrangement. So far as this House is concerned, the Chief Whip represents the Government in this House and any communication made to him is to be taken to be made to the Government and that should be understood to be the procedure for all time to come. In this connection, I will cite a ruling which was given in this House "If the Leader of the Opposition wishes to make a statement the Opposition Whip should inform the Leader of the House so that he would have an opportunity to come prepared". Now, so far as the Opposition is concerned there is no Whip. Now, therefore, the position is that as soon as the Chief Whip is informed the Government is informed. I think there is no use discussing the matter any further. If the Government wants to say anything, they are at liberty to say so, if they do not want to say anything in this matter, that is their concern.

#### 4. Ruling on right of speech after voice collected.

MR. SPEAKER: The point seems to resolve like this. Every member in the House has a right to speak on any subject which is before the House. That right should not be taken away as far as possible. Our procedure with regard to putting the clause has been as follows. It is very seldom that unless there is an amendment on a particular clause any speech is made; and clause after clause is put before the House without pausing and giving an opportunity to the member to rise. And the reason for this has always been that it is very rarely, as I have just now stated, that without an amendment to a particular clause speeches are made. We have seen in this House that Bills containing 40 to 50 clauses have been passed, and the procedure that we have adopted here is that one after another clauses are put before the House and passed without pausing for any member to rise after every clause. We do not know whether any member will speak. If it is desired that every member should be given an opportunity to speak on every clause then I believe that after every clause I shall have to pause and find out whether any member wants to speak or not. That will be an inconvenient procedure, and that will delay the

passage of the Bill, because in my experience as well as in the experience of members of this House they will find that out of 100 cases when clauses have been put there is rarely an occasion on which a member wants to speak. I am saying that the inherent right of a member of this House is to have an opportunity to speak. Ordinarily by the procedure we adopt, rather the speed with which we go on with the different clauses a member may not be able to rise in time before the question is put before the House. But this claim has to be considered leniently with a view to give him an opportunity to speak if he wants to. If I deny him his right to speak then, as I have said before, I have got to pause and see as to whether there is any member who wants to speak or not, even if it be for two or three seconds, but that will be a procedure which will be in my view a waste of time. Therefore I am of this opinion that unless I am precluded by the rules from giving an opportunity to a speaker under such circumstances I can extend my powers in favour of the speaker getting an opportunity to speak. Now the question therefore has to be considered as to whether the Speaker is powerless to allow a member to speak on a particular motion. Our practice has been this that first of all I put the question to the members who say

"Aye" and then to members on the other side who say "No" and the procedure then is that I should say "Ayes have it" or "Noes have it" and then pause and give an opportunity to members to call a Division and when no Division is called then I say, "Ayes have it" or "Noes have it" and the matter is finally put and completed. But it has been said that so long as the question has not been stated for the second time the stage is not complete because the usual thing is said "Ayes have it" and then it is said again, "Ayes have it" only for the sake of convenience. But when the words "Ayes have it" have not been repeated a second time, motions are allowed to be withdrawn and even when the question has been put for the first time. Therefore I am of this view that the Speaker is not precluded by the rules from allowing a member to speak if he thinks that in justice and fairness the member should be allowed to speak unless and until he has declared his final verdict, so to say, when he speaks for the second time "Ayes have it" for until then the verdict is not declared. That was the reason why I allowed Mr. Banerjee to call for a Division, and I am glad to find that what I decided yesterday is supported by the procedure obtaining in the British Parliament.

In the House of Commons what had happened was that one gentleman wanted to catch the eye of the Speaker. He could not do it. The voting went on and even the declaration was made. And then that member stood up and said, "I could not catch your eye in spite of my efforts and I wanted an opportunity to speak". After some discussion this was what the Chairman said, "It has been pointed out to me that although I had called for the Ayes and the Noes I had not declared which of the two had it. Therefore I have not completely put the question and the honourable member is entitled to address me on the question 'that the clause stand part of the Bill'." And there was more discussion on the question. I also find from May's Parliamentary Practice that in the Commons a member is not allowed to speak on a question after it has been fully put to the House and the question is fully put when the Speaker has taken the voices both of the Ayes and the Noes. Therefore emphasis is laid on the word "fully" and my interpretation is that after the verdict is declared no person should be allowed to speak and the Speaker has no right to allow a member to deliver a speech

after a verdict is made. No doubt there has been this practice that when a matter has been allowed to be discussed in the House members get an opportunity to discuss and therefore the voting is begun and after the voting has begun, if a member wants to speak generally he is not allowed because he ought to have been alert and availed himself of the opportunity, and it is his fault if he does not do so. But, as I have stated, in the above circumstances of the case I felt I was justified in permitting the member to speak.

With regard to section 47 of our Procedure Rules to which attention has been drawn by the Hon'ble the Judicial Minister I feel that that is a clause relating to Closure and we must remember that Closure is applied when there is a full discussion in the House and members desire that no further discussion should be allowed. Then a member puts a Closure motion in the House and then if the Speaker also thinks that there has been sufficient discussion on the subject he puts the Closure motion to the House. After the Closure motion has been carried by the House no speeches are allowed to be made but even then a speech can be allowed by the mover of the motion. In my view therefore section 47 has no application to the question at issue before us.

Under the circumstances I feel that the permission given to Mr. Banerjee to speak was in my opinion justified.

Progs: 8th October, 1950, Vol. II, pp. 298-99.

### **5. Ruling on the scope and relevancy of amendment.**

**MR. SPEAKER:** The principle enunciated and already settled is this that whenever a Bill comes before the House to amend a particular Act, whether a discussion or an amendment is relevant to that Act or not is to be considered from three considerations. The first consideration is the preamble of the Bill. The second consideration is the Statement of Objects and Reasons, and the third consideration is the provisions of the Bill. Therefore whether a discussion is relevant to this Bill or not or whether an amendment is relevant to this Bill or not is to be considered from these points of view. As a matter of fact, in this very House, if you remember aright, Sir Azizul Haque discussed this point on two or three occasions and he gave his ruling on this point. I also feel that on principle the ruling is sound and for this reason that if the Government wants to amend two or three clauses of the Bill and if the members bring in amendments to other clauses of the Bill, that means you will leave open the whole of

the Bill for discussion, when the Government wants to amend the Bill on a particular section. Suppose there is an amendment in regard to section 9 or 18, certainly you are entitled to bring in for discussion those things which have relevancy to that particular amendment or rather it is said that the amendment for discussion must be such that there is a peg upon which it can be hung. Otherwise the discussion is meaningless. Government is not in a position to discuss all the clauses of the Bill. There may be amendments required to several clauses, but the Government is not prepared to discuss the whole Act. Therefore this rule has always been observed and I do feel that we should continue to observe this rule.

Progs: 6th October, 1960, Vol. II, pp. 312-13.

With regard to the point raised by Mr. Bimal Ghose and what has been stated by the Hon'ble Rai Harendra Nath Chaudhuri, I feel that the preamble is not happily worded, because there are no restrictive words with regard to amendments. In deciding however as to whether the preamble alone is to be considered or something else should also be considered I feel that the ruling of this House given before on page 16 of this book by Sir Azizul Haque clearly shows that it is by consideration of these three together but not



taking anyone in isolation that an amendment relating to the scope of a Bill has to be scrutinised. Therefore in considering whether amendments on other clauses of the Bill are in order or out of order, we have to consider not only the Preamble but the Statement of Objects and Reasons and also the provisions of the Bill itself. So far as the courts are concerned, they do not look to the Statement of Objects and Reasons, they look only to Preamble. So far as this House is concerned, the Statement of Objects and Reasons is a part and parcel of the Bill at the stage at which it is to be considered by the House. The Bills which are before the House always contain the Statement of Objects and Reasons and the House has to consider the same. I have already stated that so far as the Preamble is concerned, it is badly worded; there should have been some restrictive words in this Preamble. When I, however, refer to the Statement of Objects and Reasons, a perusal thereof shows that the object of the Bill is defined therein and in the end of the Statement of Objects and Reasons it is stated that the Bill has been framed with these objects in view, and these objects have been defined in the previous two paragraphs of the Statement of Objects and Reasons. One of the reasons has been stated to be the judgment of

the Calcutta High Court on the interpretation of section 18, and this Bill proposes to amend that section, and the next amendment which is proposed is with regard to section 9(1)(f) regarding the new houses. And, as I have stated before, at the end of the Statement of Objects and Reasons, it is stated that the Bill has been framed with these objects in view, I feel that considering the objects and reasons, the Bill has a limited objective. When I refer to clause 6, I find that that clause related to section 18 and section 9 and also to section 2 which is rather incidental to the other two sections. Therefore if we apply the standard given by the ruling referred to above that one of these things should be not looked at and we should look to these three things, it appears that there is a restricted object of the Bill. Of course, as I have already stated, the Preamble, is badly worded, and as a matter of fact, in English Acts the Preamble is absolutely omitted save and except in very rare cases. I have tried to follow the rulings given by my predecessors, so far as this House is concerned. I, however, reserve my judgment for a later occasion to give a more considered view on the object after having considered all the rulings.

Progs: 6th October, 1950, Vol. II, pp. 318-19.



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